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OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

A Little Bit of Heaven :
-vs- : 06-0603
The Peoples Gas Light and :
Coke Company :
Complaint as to extremely high gas bills :
over the period of May 2005 to present, :
September 1, 2006 in Chicago, Illinois. :

MOTION TO STRIKE REPLY BRIEF ON EXCEPTIONS
OR, IN THE ALTERNATIVE
REPLY BRIEF ON EXCEPTIONS

Now comes the Respondent, The Peoples Gas Light and Coke Company, by and through its attorney, Mark L. Goldstein, and files this Motion to Strike the Brief on Exceptions filed on behalf of the Complainant, A Little Bit of Heaven, or, in the Alternative files this Reply Brief on Exceptions ("Reply") in response to the Brief on Exceptions ("Brief") to the Administrative Law Judge's Proposed Order ("ALJPO") issued June 26, 2007.

MOTION

On June 26, 2007, the ALJPO was issued with an attached letter from the Chief Clerk of the Illinois Commerce Commission ("Commission") advising the parties that pursuant to 83 Ill. Adm. Code 200.830 (b), "substitute language is required to be included with exceptions when exception is take as to a statement or finding of fact in the proposed order. Briefs on exceptions not including such language shall be stricken. The above-quoted language is standard for all ALJPOS.

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CHIEF CLERK'S OFFICE
ILLINOIS COMMERCE COMMISSION

Complainant has been represented by experienced legal counsel throughout the evidentiary hearing and briefing process. The Complainant Brief on Exceptions did not contain any substitute language.

Accordingly, based on the Commission's practices, the Brief must be stricken and the Respondent moves the Commission to strike the Brief.

In the alternative, in the event the Commission fails to strike the Brief, Respondent files this Reply.

REPLY

Complainant discussed four exceptions to the ALJPO. All four exceptions are virtually verbatim the exceptions filed in the companion case, *Laura Braxton vs. Peoples Gas*, 06-0023, thus the same responses will be made to those exceptions. Any additional reply will be in italics. In general, even if accepted by the ALJ and the Commission, the outcome would be the same as concluded by the ALJPO, that is, that the complaint should be dismissed with prejudice. The following is a summary of the four exceptions taken by the Complainant with Respondent's response to each.

First, Complainant contends that, contrary to the following assertion in the ALJPO: "Complainant was prejudiced through a lack of understanding of numerous estimated bills with recalculations when actual reads were made, as well as unpredictability of billed amounts due to the makeup of "balloon bills."

Response: As the ALJPO noted on page 9, if the Complainant failed to understand the estimated bills, Complainant could have called Respondent's customer service department for an explanation, but failed to do so. Moreover, as pointed out by the

ALJPO, 83 Ill. Adm. Code 280.100 (d) allows Respondent to ‘make-up’ or “balloon bill” the Complainant. (ALJPO, page 8)

Second, after reviewing 83 Ill. Adm. Code 280.80 and 280.100, Complainant contends that “in a case in which the Respondent has violated the estimated reading requirements, the Proposed Order creates a right without a remedy. This violates Complainant’s due process of law.”

Response: The ALJPO properly found that Respondent complied with Section 280.80. (Page 9) Since there are no violations of the Commission’s rules, Complainant is not entitled to any relief from the bills rendered. *Moreover, as Respondent testified and the ALJPO indicates Complainant’s gas meter is read every other month; for the period of May 2005 to September 2006, actual meter readings were taken of the Shelter’s meter in September 2005, January and March 2006 and for every month thereafter; Respondent provided records showing the difficulty meter readers had in obtaining access to the Shelter’s meter, Respondent’s Late-filed Exhibit B. (Page 7 of ALJPO)*

Third, Complainant contends that Respondent’s rendering of estimated bills is not legal.

Response: Section 280.100 clearly allows Respondent the right to issue estimated bills in the manner described in the prefatory portion of the ALJPO. Also, as noted on page 7 of the ALJPO, the Commission has approved the estimated billing procedure and format used by Respondent to bill Complainant.

Fourth, Complainant disputes the ALJPO statement that “estimated billing is not the crux of the problem.”

STATE OF ILLINOIS

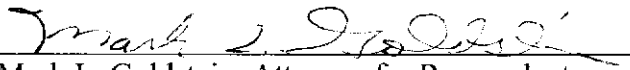
ILLINOIS COMMERCE COMMISSION

A Little Bit of Heaven)	
-vs-)	06-06033
The Peoples Gas Light and Coke)	
Company)	
)	
Complaint as to billing/charges)	
in Chicago, Illinois.)	

NOTICE OF FILING

TO: Parties on Certificate of Service

PLEASE TAKE NOTICE that on July 26, 2007, I filed with the Chief Clerk of the Respondent's Motion to Strike Reply Brief on Exceptions, or, in the Alternative Reply Brief on Exceptions, attached hereto, copies of which are hereby served upon you.


Mark L. Goldstein, Attorney for Respondent
108 Wilmot Road, Suite 330
Deerfield, IL 60015
(847) 580-5480
(847) 945-9512 facsimile
mlglawoffices@aol.com

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Mark L. Goldstein, Attorney for Respondent
108 Wilmot Road, Suite 330
Deerfield, IL 60015
(847) 580-5480
(847) 945-9512 facsimile
mlglawoffices@aol.com

CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2007, I served a copy of the attached Respondent's Motion to Strike Reply Brief on Exceptions, or, in the Alternative Reply Brief on Exceptions, by causing copies thereof to be placed in the U.S. Mail, first class postage affixed, addressed to each of the parties indicated below:

Ms. Elizabeth A. Rolando
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

Mr. William M. Shay
456 Fulton St, Suite 203 Floor
Peoria, IL 61602

Ms. Eve Moran
Administrative Law Judge
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601


Mark L. Goldstein